

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

KNOWLEDGE DIVINE BEY,

Petitioner,

versus

SHERIFF, JEFFERSON COUNTY,

Respondent.

CIVIL ACTION NO. 1:21-CV-447

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Knowledge Divine Bey,¹ an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to a United States Magistrate Judge located in Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the petition without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner's objections are without merit.

Petitioner has failed to either allege or demonstrate he exhausted state habeas remedies prior to filing this petition. Further, petitioner has failed to show “exceptional circumstances of peculiar urgency” which might excuse exhaustion. *See Deters v. Collins*, 985 F.2d 789, 795 (5th

Petitioner, also known as John Guillory, claims he is a Moorish American National of the Moorish National Republic Federal Government and is not subject to the state court's claim of jurisdiction over his person. The court notes that claims of being descendants of the Moorish Empire and not citizens of the United States are similar to the jurisdictional arguments used by the "sovereign citizen" movement, and they are equally without merit. See *United States v. Coleman*, 832 F. App'x 876, 881 n.1 (5th Cir. 2020) (citing *United States v. Mesquiti*, 854 F.3d 267, 270-71 (5th Cir. 2017)).

Cir. 1993). Finally, petitioner has failed to demonstrate special circumstances warranting interference with the ongoing state criminal proceedings. *See Gates v. Strain*, 885 F.3d 874, 880 (5th Cir. 2018); *Kolski v. Watkins*, 544 F.2d 762, 766 (5th Cir. 1977). Accordingly, the petition should be dismissed without prejudice.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 11th day of April, 2022.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE